

## PLANNING COMMISSION MINUTES

Gardner, Kansas  
Monday, February 27, 2006

The Planning Commission met in regular session on the above date at the Gardner City Hall, 120 E. Main Street, Gardner, Kansas.

### I. Call to Order

Chairman Koranda called the meeting to order at 7:00 p.m. Commissioners present: Paul Kilgore, Greg Godwin, Eileen Mertz (7:33 p.m.), Jason Burnett, and Dan Popp. Commissioners absent: Eric Schultz. Also present: Community Development Director Fred Sherman; Planner Erik Pollom; City Administrator Stewart Fairburn; engineer for an applicant Victor Burks of Allenbrand-Drews & Associates, Inc.; applicant Matt Mabe of Jabez Investments, L.L.C.; engineer for the applicant Joel Riggs of Peridian Group, Inc.; property owners Jim and Vanessa McCann; and twelve interested citizens.

### II. Approval of Minutes

Motion Kilgore, second Godwin, to approve the minutes of the February 13, 2006, meeting.  
Motion to Approve Carried: 5-0 Aye (Mertz, Schultz: Absent)

### III. Agenda Items

#### 1. FP-06-01

**Consider a Final Plat for GNBS Business Park II, a 2.33 acre commercial development located at 18855 S. Gardner Road. The application is filed by R.J. Leno; with engineering services provided by Allenbrand-Drews & Associates, Inc.**

Planner Pollom presented the staff report.

1. **APPLICANT:** The applicant is R.J. Leno, president of Gardner National Bank; with engineering services provided by Allenbrand-Drews & Associates, Inc.
2. **REQUESTED ACTION:** The applicant requests final plat approval for GNBS Business Park II, a commercial subdivision.
3. **LOCATION:** The 2.33 acre property is located at 18850 S. Gardner Road.
4. **EXISTING ZONING:** This property is currently zoned C-2, General Business District (Ord 1979).
5. **ANALYSIS:** The applicant requests final plat approval for GNBS Business Park II. The property is currently platted as one lot, GNBS Business Park. This property was final platted in 1998, prior to it being annexed into the City of Gardner in 1999, and was platted based on the county subdivision standards.

The submitted final plat consists of two lots for commercial businesses. Lot 1 contains the existing Gardner National Bank building and site improvements, and Lot 2 is currently undeveloped. The applicant wants to divide this property to allow the sale of Lot 2 for unspecified future commercial development. Because the manner in which the existing GNBS Business Park final plat was approved by Johnson County and the lack of dedicated 188<sup>th</sup> Street rights-of-way along the entire northern property of this subject property, the parcel can not be simply divided via the administrative approval of a lot split document, and is required to be replatted based on the adopted City of Gardner Subdivision Standards.

#### **188<sup>th</sup> Street r.o.w.**

The existing filed GNBS Business Park plat dedicated only 201 linear feet of 188<sup>th</sup> Street from the section line or generally the center of Gardner Road, and only at 30 feet in width for the half-street. The minimum right-of-way standard for a Minor Arterial Street in the City of Gardner is a total 80 feet (40 feet for half-street), except that 100 feet of right-of-way (or 50 feet for the half-street) shall be provided for a distance of 300 feet from the centerline of an intersection of an arterial road (17-307.2.B).

188<sup>th</sup> Street on the west side Gardner Road is dedicated at a total width of 100 feet with the approval and filing of the final plat of Shean's Crossing. Based on this requirement, 50 feet of 188<sup>th</sup> Street right-of-way would normally be required to be dedicated along almost the entire frontage of proposed Lot 1 of this subject final plat.

Dedicating the required right-of-way for 188<sup>th</sup> Street for this subject property would encroach into the existing site improvements approved by Johnson County prior to annexation of this property into the City of Gardner. Approval of the plat with only 40 feet for the half right-of-way for 188<sup>th</sup> Street does not encroach into the existing site improvements, and may accommodate future required street improvements at the intersection of 188<sup>th</sup> Street and Gardner Road. The design for future improvements of this intersection have not been completed, but without an additional ten feet of right-of-way, or

sixty feet total for the half-street being dedicated for 188<sup>th</sup> Street from the property directly to the north, some compromises may need to be made in the future design of this commercial intersection.

**Future Access**

Staff has met with the applicant to discuss potential issues that will affect the bank property and should be considered with the requested plat, particularly the potential for limited turning access onto the bank property when 188<sup>th</sup> Street is improved to an urban standard thoroughfare west of Gardner Road. Given the proximity of the bank's current entrances to the intersection of 188<sup>th</sup> Street and Gardner Road, it is likely that both of these drive entrances will be limited to right in/right out only access. The first available entrance with full-turning access to these properties will most likely occur east of Lot 2. Should the bank wish to ensure a future entrance with full turning access, an easement should be considered to provide an entrance through Lot 2. The applicant has acknowledged this issue, and wishes to proceed with final plat approval without an access easement or reconfiguration of lots.

**Excise Tax**

The original Final Plat of GNBS Business Park was approved prior to this property being annexed into the City of Gardner. Chapter 17, Article 4 of the Gardner Subdivision Regulations, allows credits to be applied to the required excise tax on plats when a portion has been paid on a previous final plat (17-408.05.D). The adopted standards are silent regarding replatting of property that was previously platted outside the City of Gardner.

6. **STAFF RECOMMENDATION:** Staff recommends that the Planning Commission approve the Final Plat for GNBS Business Park II (FP-06-01), and forward the item to the City Council with a recommendation for approval of the easements and rights-of-way, subject to the following conditions:
  - a. Prior to recording of the final plat, the required excise tax shall be paid.
  - b. The following note shall be added to the face of the plat prior to recording and shall be applicable to the approval: Access to Lot 1 and Lot 2 may limited to right in/right out only movements in the future, from both 188<sup>th</sup> Street and Gardner Road when either 188<sup>th</sup> Street or Gardner Road is widened to a standard divided thoroughfare or at such time as the City of Gardner determines that restriction turning movements are needed to alleviate safety or operational problems.

Chairman Koranda invited questions from the commissioners.

Commissioner Godwin asked if the applicant was satisfied with the second condition of approval. Planner Pollom stated that the applicant wanted to proceed with the application and approval process.

Chairman Koranda invited comments from the applicant.

Victor Burks of Allenbrand-Drews & Associates, Inc., engineer for the applicant, introduced Jim Coughenour of Gardner National Bank.

Mr. Coughenour read a letter from Ralph Leno, president of Gardner National Bank, into the record (Attachment A). The letter expressed the applicant's objections to the City's request for additional right-of-way for 188<sup>th</sup> Street and the potential right-in/right-out only access to their site in the future.

Chairman Koranda asked how far the first access to the applicant's lot was from Gardner Road. Director Sherman said that it was approximately 200 to 250 feet from Gardner Road, which would most probably necessitate a right-in only designation of that access point in the future.

Chairman Koranda asked if the second access to the applicant's lot was far enough from the intersection to allow full turning access. Director Sherman explained that, since improvements to the 188<sup>th</sup> Street and Center Street intersection would be some time in the future, it would be difficult to determine potential operational problems at that access point, and that was why the second condition of approval of the staff report stated the potential for right-in/right-out only access to the applicant's lot.

Chairman Koranda asked if Lot 2 would be landlocked. Director Sherman pointed out that Lot 2 and the property to the east of it would take access off 188<sup>th</sup> Street, as did Lot 1.

Commissioner Godwin commented that the second access point of Lot 1 could possibly be moved further east so that it could potentially have full turning access.

Mr. Burks stated that the potential buyer of Lot 2 was not interested in allowing a cross access easement for Lot 1 to access 188<sup>th</sup> Street.

Motion Kilgore, second Burnett, to approve the Final Plat for GNBS Business Park II, located at 18850 S. Center Street (FP-06-01), and forward the item to the City Council with a recommendation for approval of the easements and rights-of-way, subject to staff recommendations:

- a. Prior to recording of the final plat, the required excise tax shall be paid.
- b. The following note shall be added to the face of the plat prior to recording and shall be applicable to the approval: Access to Lot 1 and Lot 2 may limited to right in/right out only movements in the future, from both 188<sup>th</sup> Street and Gardner Road when either 188<sup>th</sup> Street or Gardner Road is widened to a standard divided thoroughfare or at such time as the City of Gardner determines that restriction turning movements are needed to alleviate safety or operational problems.

Motion to Approve and Forward Carried: 5-0 Aye (Mertz, Schultz: Absent)

## 2. PDP-06-04

**Conduct a public hearing and consider a revised Preliminary Development Plan for Prairiebrooke, a 42.5 acre tract of land for planned multi-family residential development, located on the north side of 175<sup>th</sup> Street, approximately ½ mile west of Waverly Road. The application is filed by Continental Real Estate, Inc.; with engineering services provided by Allenbrand-Drews & Associates, Inc. *This item is to be tabled to the next meeting.***

1. **APPLICANT:** The applicant is Continental Real Estates, Inc.; with engineering services provided by Allenbrand-Drews & Associates, Inc.
2. **REQUESTED ACTION:** The applicant requests preliminary development plan approval for a tract of land containing approximately 42.35 acres for planned multi-family residential development.
3. **LOCATION:** The property is located on the north side of 175<sup>th</sup> Street, ½ mile west of Waverly Road.
4. **EXISTING ZONING:** The property is zoned RP-3, Planned Garden Apartment District (Z-04-04).
5. **ANALYSIS:** The applicant has submitted a revised development plan that features a more even mix of triplexes and duplexes, but has not provided new elevations that are indicative of the applicant's intended architecture, based upon the Planning Commission's comments from the January 23 meeting.
6. **STAFF RECOMMENDATION:** Staff recommends that the Planning Commission table consideration of the revised Preliminary Development Plan for Prairiebrooke (PDP-06-04), to the March 13, 2006, meeting.

The public hearing and consideration of the revised Preliminary Development Plan for Prairiebrooke, located at the north side of 175<sup>th</sup> Street, ½ mile west of Waverly Road (PDP-06-04), was tabled to the March 13, 2006, Planning Commission meeting by unanimous consent.

Chairman Koranda opened the public hearings for Agenda Item No. 3, Z-06-02 (PDP-06-01); Agenda Item No. 4, Z-06-03 (PDP-06-02); and Agenda Item No. 5, Z-06-04 (PDP-06-03) concurrently at 7:30 p.m.

Director Sherman presented the staff reports for Agenda Item No. 3, Z-06-02 (PDP-06-01); Agenda Item No. 4, Z-06-03 (PDP-06-02); and Agenda Item No. 5, Z-06-04 (PDP-06-03) concurrently.

3. **Z-06-02**

**Conduct a public hearing and consider rezoning property from A (Agricultural District) to RP-1 (Planned Single Family Residential District) and RP-3 (Planned Garden Apartment District) for a 16.25 acre property located on the east side of Waverly Road, approximately ¼ mile south of 167<sup>th</sup> Street. The application is filed by Jabez Investments, L.L.C.**

1. **APPLICANT:** Jabez Investments, L.L.C., is the applicant; with engineering services provided by Peridian Group, Inc.
2. **REQUESTED ACTION:** The applicant requests rezoning from A (Agricultural District) to RP-1 (Planned Single Family Residential District) and RP-3 (Planned Garden Apartment District).
3. **LOCATION:** The 16.25 acre property is located on the east side of Waverly Road, approximately ¼ mile south of 167<sup>th</sup> Street.
4. **EXISTING ZONING:** The property is currently zoned A (Agricultural District) upon annexation into the City of Gardner (Ord 2172).
5. **CHARACTER OF THE NEIGHBORHOOD:** The land immediately surrounding the subject property is characterized as the developing northwest fringe of the City of Gardner. Existing uses include Madison Elementary School and a developing single family subdivision to the immediate south; single family residential uses to the southwest; a church facility, agricultural and residential uses on the west side of Waverly Road to the immediate west; a developing single family subdivision (Megan Valley) to the northwest; agricultural and two existing residences to the north (proposed for a mixed use development Z-06-03 and Z-06-04); and two agricultural farms that are not incorporated into the City of Gardner to the immediate east (on the south side of 167<sup>th</sup> Street) and to the northeast (on the north side of 167<sup>th</sup> Street). The other significant character defining elements in this immediate area are the new overhead electrical power transmission lines running along the north side of 167<sup>th</sup> Street and the east side of Waverly Road, and the developing Gardner electrical substation site on the west side of Waverly Road, northwest of this subject property.
6. **LAND USE AND ZONING PATTERNS:** The surrounding properties are zoned R-1, Single Family Residential District, to the south, southwest, and northwest; A, Agricultural District, to the immediate west and north; and Johnson County RUR to the immediate east and far northeast.
7. **CONFORMANCE TO THE COMMUNITY DEVELOPMENT PLAN:** The Gardner Community Development Plan - 2003 denotes urban residential land uses and low-density residential development uses for this immediate area. The Community Development Plan attempts to expand housing opportunities by targeting various residential densities. Three residential land use categories are depicted on the Development Plan Map. The categories are distinguishable by the density of development allowed in each:

Low-Density:	Greater than 1 and less than or equal to 6 units per acre
Medium-Density:	Greater than 6 and less than or equal to 15 units per acre
High-Density:	Greater than 15 units per acre

Rezoning the property to RP-3, Planned Garden Apartment District, and RP-1, Planned Single-Family Residential District, could be complementary with the intent and policies of the plan.

The general goal of the plan for low-density residential land uses is to help form residential neighborhoods that are stable, safe and aesthetically pleasing. Specific policies for low-density land uses include:

**Policy 2.2: Reserve Suitable Sites**

Reserve suitable land areas of adequate size to accommodate a number of subdivisions in order to facilitate well-planned orderly development with better coordination of public services and facilities.

**Policy 2.3: Ensure Adequate Infrastructure Facilities**

Ensure that new housing development occurs in areas, which can be adequately and efficiently served by infrastructure facilities.

**Policy 2.4: Allow Small-Lot and Duplex Subdivisions**

Allow the use of small-lot and duplex subdivisions in low-density residential areas in the following circumstances upon a finding of compatibility with surrounding uses:

- a) As a land use transition between lower-density development and land uses of higher intensities.
- b) Adjacent to heavily traveled streets such highways, or interstates, or adjacent to railroad corridors.
- c) Where flexibility in subdivision design is necessary to preserve natural features, provide for greenway linkages or avoid floodplains.

**Policy 3.2: Encourage Proper Lot Orientation**

Encourage subdivision design in which peripheral lots face inward toward the neighborhood of which they are a part, especially those lots which are adjacent to collectors or arterial thoroughfares. No home shall front on a designated arterial thoroughfare.

**Policy 3.3: Provide for Extra Buffering in Special Circumstances**

Encourage subdivision design which provides extra buffering between homes and adjacent freeways or thoroughfares. Extra buffering can be accomplished by using any of the following methods or a combination thereof:

- a) Berms
- b) Landscape screening
- c) Fences
- d) Extra lot depth

**Policy 4.1: Use Appropriate Transitional Methods**

Appropriate transitional methods should be considered at all locations where the development or expansions of nonresidential and medium- or high-density residential land uses abut low-density residential property (either built or zoned). In general, transitions between different types of intensities of land use should be made gradually, particularly where natural or man-made buffers are not available.

**Policy 4.2: Higher-Density Residential as Transitional Use**

Promote the use of higher density residential development and duplexes as a transitional land use between nonresidential developments and surrounding low-density residential neighborhoods.

8. **STAFF ANALYSIS OF THE APPLICATION:** The applicant requests rezoning 9.5 acres to RP-1 and 6.7 acres to RP-3. The submitted preliminary development plan indicates that the RP-1 area would yield 35 lots, and the proposed RP-3 area would yield an additional 34 residential units which results in an overall density for this area of about 4.25 units per acre. This request is to rezone the property to a planned zoning district, which allows for the review and scrutiny of a development plan showing lot layout and on-site improvements, as well as architectural plans and proposed building elevations, all to be tied to the overall zoning approval process. Only a sampling of one-sided building elevations were submitted with this rezoning request and the two additional rezoning requests to the north (Z-06-03 and Z-06-04), but specific architectural plans for this rezoning request have not been determined. No information has been provided at this time with regarding the unique elements proposed for the single family portion of this rezoning request that would require the property to be a planned zoning district. It is not indicated on the submitted development plan if the proposed lots conform to Gardner's traditional, or Euclidian, R-1 development standards (8,000 sq ft in size, 70' in width) or not. Staff recognizes that the drainage way at the north end of the subject property presents some land use and design challenges. The submitted plan is tied to the submitted plans and rezoning request for the property north of this drainage way (Z-06-03) and the rezoning request for property on the north side of 167<sup>th</sup> Street, east of Waverly Road (Z-06-04). As submitted, the applicant attempts to provide some transition of residential land uses to the proposed commercial uses at the northeast and southeast corners of the 167<sup>th</sup> Street and Waverly Road intersection. If the commercial land uses are not approved, staff questions the need for this density of residential uses at this location, given the character of existing and approved development to the south, southwest, and west of this subject property. Staff recognizes that the plans submitted with the application are essentially concept plans for a proposed a large-scale mixed-use development, which will need additional refinement and specific information submitted before they are ready for formal consideration for approval or denial. However, several key land use and development policy issues need to be addressed and discussed by the Planning Commission before either staff or the applicant are comfortable with spending additional resources and time on refining the proposed plans. While this particular rezoning request mostly complies with the standards of the adopted Community Development Plan, staff will outline several key issues and policies in the evaluation of the rezoning requests for the properties to the north (Z-06-03 & Z-06-04) to initiate Planning Commission discussion and direction on the general acceptability of the overall proposed mixed-use development scheme.
9. **STAFF RECOMMENDATION:** Staff is not prepared to offer a recommendation on this rezoning request and the two accompanying rezoning requests (Z-06-03 & Z-06-04) at this time. From the discussion and direction provided by the commissioners at the February 27, 2006, meeting, staff will develop a formal recommendation on this and the two accompanying rezoning requests.

**4. Z-06-03**

**Conduct a public hearing and consider rezoning property from A (Agricultural District) to CP-2 (Planned General Business District) and RP-3 (Planned Garden Apartment District) for a 47.64 acre property located on the southeast and northeast corners of the Waverly Road and 167<sup>th</sup> Street intersection. The application is filed by Jabez Investments, L.L.C.**

1. **APPLICANT:** Jabez Investments, L.L.C., is the applicant; with engineering services provided by Peridian Group, Inc.
2. **REQUESTED ACTION:** The applicant requests rezoning 47.64 acres from A (Agricultural District) to CP-2 (Planned Single Family Residential District) and RP-3 (Planned Garden Apartment District).
3. **LOCATION:** The 47.64 acre property is located on the southeast and northeast corners of the Waverly Road and 167<sup>th</sup> Street intersection.
4. **EXISTING ZONING:** The property is currently zoned A (Agricultural District) upon annexation into the City of Gardner (Ord 2172).
5. **CHARACTER OF THE NEIGHBORHOOD:** The land immediately surrounding the subject property is characterized as the developing northwest fringe of the City of Gardner. Existing uses include Madison Elementary School and a developing single family subdivision to the far south; single family residential uses, a church facility, agricultural and residential uses on the west side of Waverly Road to the southwest ; a developing single family subdivision (Megan Valley) to the immediate west; agricultural uses to the south and north (proposed for a mixed use development Z-06-03 and Z-06-04); and two agricultural farms that are not incorporated into the City of Gardner to the immediate southeast (on the south side of 167<sup>th</sup> Street) and to the east (on the north side of 167<sup>th</sup> Street). The other significant character defining elements in this immediate area are the new overhead electrical power transmission lines running along the north side of 167<sup>th</sup> Street and the east side of Waverly Road, and the developing Gardner electrical substation site on the west side of Waverly Road, northwest of this subject property.

6. **LAND USE AND ZONING PATTERNS:** The surrounding properties are zoned R-1, Single Family Residential District, to the southwest and west; A, Agricultural District, to the immediate southwest and north; and Johnson County RUR to the immediate east and southeast.
7. **CONFORMANCE TO THE COMMUNITY DEVELOPMENT PLAN:** The Gardner Community Development Plan - 2003 denotes urban residential land uses and low-density residential development uses for this immediate area. Given the fact that the Development Plan Map shows the subject property as appropriate for low-density residential uses, the proposed CP-2, Planned General Business District, does not conform to the Community Development Plan. The Development Plan Map shows only low density residential uses in this immediate area. The Community Development Plan pursues appropriate quantities and locations of commercial land throughout the City. The locational criteria for commercial development, as discussed in the Commercial Land Use Goals, should be used as the basis for locating future commercial areas on the Development Plan Map and Future Land Use Map. The Commercial Land Use Goals are also used to evaluate the appropriateness of all rezoning and final development plan proposals for retail commercial developments. Commercial development areas are designed to occur in "nodes" by avoiding continuous lineal shallow lot depth commercial development along the City's street corridors. Specific adopted policies in the Community Development Plan regarding commercial land uses are:

**Policy 1.5: Contain Commercial Development -**

Encourage the formation, retention, and expansion of commercial development within the existing commercial boundaries as shown of the Community Development Plan Map.

**Policy 2.1: Use Appropriate Transitional Methods -**

Appropriate transitional methods should be considered at all locations where the development or expansion of commercial land use abuts residential property (either built or zoned). The city strives to meet the following objectives when compatible transition is necessary:

- a) Site Orientation:
  - 1) Site design should be oriented toward thoroughfare or commercial streets.
  - 2) Site access should be off of thoroughfare or commercial streets.
  - 3) Where appropriate, streets may be used as boundaries between commercial and residential land uses.

**Policy 2.3: Allow the Option of Low-Intensity Office as Transitional Use -**

Allow low-intensity office development as an alternative transitional land use into low-density residential neighborhoods with these conditions:

- a) Such development must be compatible in architectural design, height, bulk, and building materials to the adjacent low-density residential developments.
- b) Such development must demonstrate compatible site design by the use of extensive screening, building and parking orientation, and preservation of natural site amenities.
- c) Traffic generated by such development must be directed away from residential areas and on to commercial streets.
- d) Such development is limited to areas shown as Office on the Community Development Plan Map.

**Policy 3.1: Follow Locational Criteria for All Commercial Development -**

The locational criteria for all commercial development are:

- a) Limit commercial development to the areas shown as Commercial on the Community Development Plan Map.
- b) Discourage the formation or expansion of strip commercial development by focusing new growth in a more clustered pattern.
- c) Promote the assembling of small tracts to form larger, more cohesive parcels to enable well-planned and orderly development to occur.
- d) Encourage commercial development to form as part of existing or new shopping centers as opposed to isolated parcels along commercial strips.
- e) Limit the principal access of commercial development to thoroughfare, reverse frontage, or commercial streets.
- f) Encourage commercial development to locate on sites having minimal slope to avoid substantial grading and disruption of natural drainage and vegetation.
- g) Promote the retention of stands of trees, natural vegetation, and environmentally sensitive areas whenever possible to act as buffers between developments and as site amenities within developments.

**Policy 4.1: Avoid Exceeding Street Capacity -**

Discourage the expansion of existing or the inclusion of new commercial development in areas where, even with street and traffic signal improvements, the additional traffic generated by such development would exceed the handling capacity of the street system.

Rezoning the property to RP-3, Planned Garden Apartment District, could be complementary with the intent and policies of the plan. The general goal of the plan for medium density residential land uses is to help form residential neighborhoods that are stable, safe and aesthetically pleasing. Specific policies for medium and high-density land uses include:

**Policy 1.1: Ensure Quality Development**

Encourage emphasis on open space, access to light and air, and the provision of amenities generally associated with and available to low-density residential development in all medium- and higher-density residential developments.

**Policy 1.2: Preserve and Protect the Environment**

Encourage the preservation and protection of trees, natural vegetation, wetlands, and environmentally sensitive areas in medium- and higher-density residential developments to serve as site amenities.

**Policy 1.3: Provide Open Space**

Encourage the provision of usable open space on site by clustering buildings to minimize the creation of narrow strips of unusable open space in front of and between buildings.

**Policy 1.4: Consider Appropriate Density**

The number of dwelling units per acre in any residential category should be viewed as representing a density range rather than a maximum allowable density. The exact density of a specific tract is to be determined at the time of rezoning based on the following:

- a) Only projects with exceptional design and locational criteria will warrant density exceeding the midpoint of the density range.
- b) Natural constraints, public facilities, streets and traffic patterns, neighborhood character, community need and surrounding zoning and land use patterns are to be taken into consideration.

**Policy 1.5: Provide for Variety in Housing Types**

Encourage the use of a variety of housing types, including townhomes, patio homes, duplexes, zero lot line homes, cluster housing, garden apartments and retirement housing.

**Policy 2.1: Consider Land Use Relationships**

The relationship of land uses should reflect consideration of existing development, environmental conditions, and service and access needs. No higher-density development (more than 15 units per net acre) shall have a property line common with properties zoned for single-family and designated as Low-Density Residential on the Future Development Plan unless such low-density property is used for a nonresidential land use such as a church, school or park.

**Policy 2.2: Consider Access**

Higher-density residential developments shall have frontage and main access directly on major thoroughfares.

**Policy 2.3: Protect Areas Planned for Medium- and Higher-Density Residential Developments**

Avoid reducing medium- and higher-density residential areas as shown on the Future Development Plan Map by allowing encroachment of nonresidential land uses which are not customarily allowed in residential districts.

**Policy 2.4: Reserve Suitable Sites**

Reserve suitable land areas of adequate size to accommodate medium- and higher-density residential development near or adjacent to employment centers.

**Policy 2.7: Adhere to Future Development Plan**

A feasibility study for developments increasing the amount of medium- and higher-density residential areas beyond what is shown on the Community Development Plan Map may be required to assist in the evaluation of a proposed project. The feasibility study will include:

- a) Explanation of why the area is not adequately served by the medium- and higher-density residential development shown on the Community Development Plan Map.
- b) An analysis of the impact of traffic generated by the development on adjacent streets.

**Policy 3.1: Use Appropriate Transitional Methods**

Appropriate transitional methods should be considered at all locations where the development or expansion of either more or less intensive land uses abut medium- and higher-density residential property (either built or zoned). In general, transitions between different types of intensities of land use should be made gradually, particularly where natural or man-made buffers are not available. Compatible transition from nonresidential or higher-density residential uses to lower density residential uses should consider:

- a) Site Orientation:
  - 1) Site design should be oriented so that less compatible uses such as recreational facilities are located in the interior of the development and not adjacent or in close proximity to low-density residential neighborhoods.
  - 2) Site access should be off of collector or thoroughfare streets.
  - 3) Where appropriate, streets may be used as boundaries between different intensities of land uses.
- b) Building Relationships:
  - 1) A back-to-back relationship is preferable between different intensities of residential land uses.
  - 2) Medium-density residential uses should not have lesser setbacks than abutting low-density residential uses.
  - 3) The height and bulk of a medium-density residential buildings and accessory structures (clubhouses, satellite dishes, etc.) should be oriented away from low-density residential neighborhoods to avoid creating a negative visual effect.
  - 4) Where medium-density residential development adjoins or faces a low-density residential area, the medium-density residential development should incorporate low-rise structures of a lower-density character for those areas closest to the low-density development.
- c) Land Features:
  - 1) Promote the retention of stands of trees, natural vegetation, wetlands, and environmentally sensitive areas whenever possible to separate medium- or higher-density residential development from other more or less intensive land uses.
  - 2) Where possible, use existing differences in topography to naturally separate medium- and higher-density developments and other more or less intensive land uses.
- d) Screening and Landscaping:
  - 1) Encourage the creative and extensive use of landscaping and berming techniques for effective buffering between differing intensities of land uses and to increase neighborhood privacy and security.
  - 2) Avoid the use of fences as a sole means of providing screening and buffering.
  - 3) Promote the use of existing vegetation such as stands of trees and hedgerows as natural buffers.

- 4) Encourage the use of high quality materials in the construction of fencing and landscaping to decrease long-term maintenance costs and to make it less likely that neglected, unsightly areas will occur.
- e) Lighting:
  - 1) Any lighting used to illuminate parking areas, signs or other structures shall be arranged so as to deflect light away from any adjoining property or from public streets through fixture type, height, and location.
  - 2) Exterior lighting of buildings shall be limited to low level incandescent spotlights, floodlights, and similar illuminating devices hooded in such a manner that the direct beam of any such light source will not glare upon adjacent property or public streets.

**Policy 3.4: Allow the Option of Medium-Density Residential as a Transitional Use**

Allow the use of medium-density residential as a transitional land use between low-density residential and other more intensive uses.

8. **STAFF ANALYSIS OF THE APPLICATION:** The applicant requests rezoning 16.8 acres to CP-2 and 17.8 acres to RP-3. The development plan submitted with the requested CP-2 zoning indicates nine commercial retail buildings totaling 117,000 square feet. The submitted commercial building elevations show a two-story structure – if applied to the largest retail building would add up to an additional 47,000 square feet to this total. The development plan also shows 240 units in 10 two-story apartment buildings on 17.8 acres, or a density of about 13.5 units per acre.

This request is to rezone the property to two planned zoning districts, which allows for the review and scrutiny of a development plan showing lot layout and on-site improvements, as well as architectural plans and proposed building elevations, all to be tied to the overall zoning approval process. A sampling of one-sided building elevations were submitted with the two rezoning requests to the north and south (Z-06-02 and Z-06-04). Specific architectural plans for the two-story apartment buildings and the largest retail building associated with this rezoning request were submitted for consideration.

Staff recognizes that the plans submitted with the three rezoning applications are essentially detailed concept plans for a proposed a large-scale mixed-use development, which will need additional refinement and specific information submitted before they are ready for formal consideration for approval or denial. However, several key land use and development policy issues need to be addressed and discussed by the Planning Commission before either staff or the applicant are comfortable with spending additional resources and time on refining the proposed plans.

Of the three submitted rezoning requests for the McCann property that was annexed into the City of Gardner, this request for retail commercial and medium-density development deviates greatly from the adopted Community Development Plan map. The introduction of commercial retail land use in this immediate area will need to be evaluated closely from both policy and design perspectives, given the developing single family lots on the west side of Megan Valley subdivision and the other lower intensive land uses that are developing to the south and southwest of this subject property.

While there is a strong desire to plan for and accommodate retail locations in all parts of the community, the need to critically evaluate the established policies and criteria for allowing new commercial development areas should be done judiciously, to not establish an open door public policy of allowing high intensive retail commercial uses on the corner properties of every section line road in the City. Not all areas of the community will have the necessary exposure and expected future traffic counts to ensure that commercial developments will have a healthy mix of good tenants over time. Also, the planned road system within the City of Gardner can not readily accommodate commercial development in all areas. Currently, this site is served by a two lane chip and seal ditch profile road on 167<sup>th</sup> Street and a gravel road on Waverly Road north of 167<sup>th</sup> Street. By allocating and zoning too many commercial areas within the City of Gardner, staff fears that the sustainability of all commercial areas could be compromised.

9. **STAFF RECOMMENDATION:** Staff is not prepared to offer a recommendation on this rezoning request and the two accompanying rezoning requests (Z-06-02 & Z-06-04) at this time.

From the discussion and direction provided by the commissioners at the February 27, 2006, meeting, staff will develop a formal recommendation on this and the two accompanying rezoning requests.

**5. Z-06-04**

**Conduct a public hearing and consider rezoning property from A (Agricultural District) to RP-1 (Planned Single Family Residential District) and RP-3 (Planned Garden Apartment District) for a 124.2 acre property located approximately ¼ mile north and east of the Waverly Road and 167<sup>th</sup> Street intersection. The application is filed by Jabez Investments, L.L.C.**

1. **APPLICANT:** Jabez Investments, L.L.C., is the applicant; with engineering services provided by Peridian Group, Inc.
2. **REQUESTED ACTION:** The applicant requests rezoning from A (Agricultural District) to RP-1 (Planned Single Family Residential District) and RP-3 (Planned Garden Apartment District).
3. **LOCATION:** The 124 acre property is located about ¼ mile north and east of the 167th Street and Waverly Road intersection.
4. **EXISTING ZONING:** The property is currently zoned A (Agricultural District) upon annexation into the City of Gardner (Ord 2172).
5. **CHARACTER OF THE NEIGHBORHOOD:** The land immediately surrounding the subject property is characterized as the developing northwest fringe of the City of Gardner. Existing uses include Madison Elementary School and a developing single family subdivision to the far south; single family residential uses, a church facility, agricultural and residential uses to the southwest on the west side of Waverly Road; a developing single family subdivision (Megan Valley)



to the west; agricultural and two existing residences to the south (proposed for a mixed use development Z-06-02 and Z-06-03); and two agricultural farms that are not incorporated into the City of Gardner to the immediate east (on the north side of 167<sup>th</sup> Street) and to the southeast (on the south side of 167<sup>th</sup> Street).

The other significant character defining elements in this immediate area are the new overhead electrical power transmission lines running along the north side of 167<sup>th</sup> Street and the east side of Waverly Road, and the developing Gardner electrical substation site on the west side of Waverly Road, west of and adjacent to this subject property.

6. **LAND USE AND ZONING PATTERNS:** The surrounding properties are zoned R-1, Single Family Residential District, to the south, southwest, and west; A, Agricultural District, to the southwest and south; and Johnson County RUR to the immediate east and southeast.
7. **CONFORMANCE TO THE COMMUNITY DEVELOPMENT PLAN:** The Gardner Community Development Plan - 2003 denotes urban residential land uses and low-density residential development uses for this immediate area. The Community Development Plan attempts to expand housing opportunities by targeting various residential densities. Three residential land use categories are depicted on the Development Plan Map. The categories are distinguishable by the density of development allowed in each:

Low-Density:	Greater than 1 and less than or equal to 6 units per acre
Medium-Density:	Greater than 6 and less than or equal to 15 units per acre
High-Density:	Greater than 15 units per acre

Rezoning the property to RP-3, Planned Garden Apartment District, and RP-1, Planned Single-Family Residential District, could be complementary with the intent and policies of the plan.

The general goal of the plan for low-density residential land uses is to help form residential neighborhoods that are stable, safe and aesthetically pleasing. Specific policies for low-density land uses include:

**Policy 2.2: Reserve Suitable Sites**

Reserve suitable land areas of adequate size to accommodate a number of subdivisions in order to facilitate well-planned orderly development with better coordination of public services and facilities.

**Policy 2.3: Ensure Adequate Infrastructure Facilities**

Ensure that new housing development occurs in areas, which can be adequately and efficiently served by infrastructure facilities.

**Policy 2.4: Allow Small-Lot and Duplex Subdivisions**

Allow the use of small-lot and duplex subdivisions in low-density residential areas in the following circumstances upon a finding of compatibility with surrounding uses:

- d) As a land use transition between lower-density development and land uses of higher intensities.
- e) Adjacent to heavily traveled streets such highways, or interstates, or adjacent to railroad corridors.
- f) Where flexibility in subdivision design is necessary to preserve natural features, provide for greenway linkages or avoid floodplains.

**Policy 3.2: Encourage Proper Lot Orientation**

Encourage subdivision design in which peripheral lots face inward toward the neighborhood of which they are a part, especially those lots which are adjacent to collectors or arterial thoroughfares. No home shall front on a designated arterial thoroughfare.

**Policy 3.3: Provide for Extra Buffering in Special Circumstances**

Encourage subdivision design which provides extra buffering between homes and adjacent freeways or thoroughfares. Extra buffering can be accomplished by using any of the following methods or a combination thereof:

- e) Berms
- f) Landscape screening
- g) Fences
- h) Extra lot depth

**Policy 4.1: Use Appropriate Transitional Methods**

Appropriate transitional methods should be considered at all locations where the development or expansions of nonresidential and medium- or high-density residential land uses abut low-density residential property (either built or zoned). In general, transitions between different types of intensities of land use should be made gradually, particularly where natural or man-made buffers are not available.

**Policy 4.2: Higher-Density Residential as Transitional Use**

Promote the use of higher density residential development and duplexes as a transitional land use between nonresidential developments and surrounding low-density residential neighborhoods.

8. **STAFF ANALYSIS OF THE APPLICATION:** The applicant requests rezoning 82.5 acres to RP-1 and 41.6 acres to RP-3. The submitted preliminary development plan indicates that the RP-1 area would yield 167 lots, and the proposed RP-3 area would yield an additional 377 residential units which results in an overall density for this area of about 6.5 units per acre.

This request is to rezone the property to a planned zoning district, which allows for the review and scrutiny of a development plan showing lot layout and on-site improvements, as well as architectural plans and proposed building elevations, all to be tied to the overall zoning approval process. Only a sampling of one-sided building elevations was submitted with this rezoning request.

No information has been provided at this time regarding the unique elements proposed for the single family portion of this rezoning request that would require the property to be a planned zoning district. It is not indicated on the submitted development plan if many of the smaller proposed lots conform to Gardner's traditional, or Euclidian, R-1 development standards (8,000 sq ft in size, 70' in width) or not.

**New Urbanism Principals or Traditional Neighborhood Design (TND)**

The general layout and design of this residential neighborhood contains some traditional design elements that are often referred to as New Urbanism or Traditional Neighborhood Design. The Congress of New Urbanism (CNU) is a

professional association that advocates the restructuring of public policy and development practices to support the following principles:

- Neighborhoods should be diverse in use and population;
- Communities should be designed for the pedestrian and transit as well as the car;
- Cities and towns should be shaped by physically defined and universally accessible public spaces and community institutions; and
- Urban places should be framed by architecture and landscape design that celebrate local history, climate, ecology, and building practice.

Some specific principles espoused by the Congress of New Urbanism to guide public policy, development practice, urban planning, and design are:

**The Neighborhood**

- The neighborhood, the district, and the corridor are the essential elements of development and redevelopment in the metropolis. They form identifiable areas that encourage citizens to take responsibility for their maintenance and evolution.
- Neighborhoods should be compact, pedestrian-friendly, and mixed-use. Districts generally emphasize a special single use, and should follow the principles of neighborhood design when possible. Corridors are regional connectors of neighborhoods and districts; they range from boulevards and rail lines to rivers and parkways.
- Many activities of daily living should occur within walking distance, allowing independence to those who do not drive, especially the elderly and the young. Interconnected networks of streets should be designed to encourage walking, reduce the number and length of automobile trips, and conserve energy.
- Within neighborhoods, a broad range of housing types and price levels can bring people of diverse ages, races, and incomes into daily interaction, strengthening the personal and civic bonds essential to an authentic community.
- Concentrations of civic, institutional, and commercial activity should be embedded in neighborhoods and districts, not isolated in remote, single-use complexes. Schools should be sized and located to enable children to walk or bicycle to them.
- The economic health and harmonious evolution of neighborhoods, districts, and corridors can be improved through graphic urban design codes that serve as predictable guides for change.
- A range of parks, from tot-lots and village greens to ballfields and community gardens, should be distributed within neighborhoods. Conservation areas and open lands should be used to define and connect different neighborhoods and districts.

**The Block, the Street, and the Building**

- A primary task of all urban architecture and landscape design is the physical definition of streets and public spaces as places of shared use.
- Individual architectural projects should be seamlessly linked to their surroundings. This issue transcends style.
- The revitalization of urban places depends on safety and security. The design of streets and buildings should reinforce safe environments, but not at the expense of accessibility and openness.
- In the contemporary metropolis, development must adequately accommodate automobiles. It should do so in ways that respect the pedestrian and the form of public space.
- Streets and squares should be safe, comfortable, and interesting to the pedestrian. Properly configured, they encourage walking and enable neighbors to know each other and protect their communities.
- Architecture and landscape design should grow from local climate, topography, history, and building practice.
- Civic buildings and public gathering places require important sites to reinforce community identity and the culture of democracy. They deserve distinctive form, because their role is different from that of other buildings and places that constitute the fabric of the city.
- All buildings should provide their inhabitants with a clear sense of location, weather and time. Natural methods of heating and cooling can be more resource-efficient than mechanical systems.
- Preservation and renewal of historic buildings, districts, and landscapes affirm the continuity and evolution of urban society

New Urbanism or Traditional Neighborhood Design (TND) developments are not new. Several examples exist throughout the region and country, and several have started to develop in the Kansas City metropolitan area; but to successfully implement a master planned mixed density and mixed design residential development, a substantial amount of design criteria may be needed to be included with the rezoning request to ensure that the proposed development will yield the design layout concepts envisioned with this type of proposed development pattern.

Staff recognizes that the plans submitted with the application are essentially concept plans for a proposed a large-scale mixed-use development, which will need additional refinement and specific information submitted before they are ready for formal consideration for approval or denial. However, several key land use and development policy issues need to be addressed and discussed by the Planning Commission before either staff or the applicant are comfortable with spending additional resources and time on refining the proposed plans.

While this particular rezoning request may comply with many of the adopted standards of the Community Development Plan, staff will outline several key issues and policies in the evaluation of the rezoning requests for the properties to the south (Z-06-02 & Z-06-03) to initiate Planning Commission discussion and direction on the general acceptability of the overall proposed mixed-use development scheme.

9. **STAFF RECOMMENDATION:** Staff is not prepared to offer a recommendation on this rezoning request and the two accompanying rezoning requests (Z-06-02 & Z-06-03) at this time.

From the discussion and direction provided by the commissioners at the February 27, 2006, meeting, staff will develop a formal recommendation on this and the two accompanying rezoning requests.

Chairman Koranda invited questions from the commissioners. There were no questions.

Joel Riggs of Peridian Group, Inc., engineer for the applicant, gave a presentation of the overall development plan proposal and the specifics of each rezoning request and accompanying preliminary development plans (Attachment C). He also submitted for the record a letter from adjacent property owners expressing concerns about stormwater run-off onto their property (Attachment B). Mr. Riggs invited comments and input from the commissioners regarding the proposed plans.

Chairman Koranda invited comments from the public.

Vernon Knabe, 16200 Waverly Road, stated his concerns regarding:

- stormwater drainage from the subject properties; and
- dust control for Waverly Road during construction of the proposed developments.

Mr. Riggs explained that all approved stormwater management plans would have to contain the stormwater run-off within the development itself.

Chairman Koranda asked when Waverly Road would be paved. Director Sherman discussed the roadway issues of the general area. He explained that City regulations required adequate public facilities be in place prior to construction.

Motion Popp, second Mertz, to close the public hearing at 8:17 p.m.

Chairman Koranda asked why the 159<sup>th</sup> Street and Waverly Road intersection was designated for commercial development on the Development Plan Map, rather than the 167<sup>th</sup> Street and Waverly Road intersection. Director Sherman explained that, while the 1996 Community Development Plan stressed commercial development along Main Street and the downtown area, the Community Development Plan of 2003 expanded the distribution of commercial areas, including the 159<sup>th</sup> Street and Waverly Road node, which was in the center of the projected residential growth area. He discussed how the evolution of land uses impacted the Development Plan Map.

Chairman Koranda and Director Sherman discussed sizes of neighborhood commercial centers, which were typically 50,000 square feet to 100,000 square feet; and several examples of commercial nodes in Olathe.

Chairman Koranda asked what the differences were between the transition of land uses of the Waverly Pointe area versus the land use transitions of the subject development. Director Sherman explained that the Waverly Pointe area was originally zoned for industrial and commercial uses, so the recently approved rezonings were significant improvements relative to the surrounding land uses. He stated that the Waverly Pointe development was an "infill" type of development, while the proposed Granite Springs development would be in an open, undeveloped area with considerable residential development expected to surround that area in the near future.

Commissioner Godwin asked if the proposal would require a joint City Council and Planning Commission work session to study the multiple issues relevant to the proposed development; and when staff might be able to make a definitive recommendation for action to the commission. Director Sherman explained that staff would adhere to the approved Community Development Plan, which did not designate the subject area for commercial development, until that plan was officially changed; but staff would also utilize comments and directions that would evolve from commission and/or council discussions.

Commissioner Godwin stated that considerations of the subject applications should include how they related to the adjacent properties.

Commissioner Mertz stated that, though she liked the concept of a planned community, she was concerned about the proposed commercial area. She added that the commission should address the appropriate amount and location of commercial developments in the northwest residential growth area.

Commissioner Kilgore asked what development was west of the southernmost subject property. Director Sherman explained that it was a church facility, with a large lot development adjacent to that.

Commissioner Kilgore stated his concerns about stormwater drainage across the proposed commercial property, and its proximity to the new residential development on the west side of Waverly Road.

Commissioner Popp and Director Sherman discussed potential development of the southwest corner of the 167<sup>th</sup> Street and Waverly Road intersection. Director Sherman pointed out that, since most of that corner was a natural drainageway, it was unlikely that it would be completely developed.

Commissioner Popp stated that he liked the planned community concept, but would like to see the various residential uses more interspersed with each other. He was uncertain whether the proposed commercial area was an appropriate location, relative to the existing residential developments in the area.

Commissioner Burnett suggested that all the commercial area should be on the north side of 167<sup>th</sup> Street. Director Sherman pointed out that because of the natural drainageway across the southern and central properties, the southeast corner was basically a separate, independent parcel, delineated by the natural waterway, 167<sup>th</sup> Street, and Waverly Road.

The commissioners, Mr. Riggs, and Director Sherman discussed the various residential uses proposed by the applicant, and their locations within the development plans. Several of the commissioners liked the single family areas wrapped around the outside of the developments for transition to potential future residential development on the adjacent properties. Several commissioners suggested designing more visibility of some of the unique residential options along the further extents of the properties. Mr. Riggs and the commissioners discussed several metro area developments with commercial corners similar to the subject development plans.

Commissioner Godwin stated that he was definitely in favor of the rezoning application for the southernmost properties (Z-06-02). He said that he was not in favor of the applications for the central properties (Z-06-03), which included the commercial areas, and there should be much more discussion and consideration of the development proposals for that area. He added that he could possibly be in favor of the rezoning requests for the northernmost properties (Z-06-04) if the residential uses were better interspersed within in each other.

Director Sherman proposed that the applicant would like more specific input and direction from the commissioners so that the specific components and issues of concern in the proposed plans could be refined and redesigned to better meet the needs of the governing bodies and the community.

Commissioner Mertz stated that she would like to see the rear elevations of the rear-loaded row houses. She suggested that the corner commercial node should be oriented more toward 167<sup>th</sup> Street rather than toward Waverly Road. She added that she liked the cluster homes in the southern portion of the development plan.

Commissioner Godwin stated that the cluster housing shouldn't be too "cookie cutter design" in appearance, but should utilize more design variations. He asked how the single family residential lots would vary from the City standards. Mr. Riggs stated that the lot widths would be 65 feet to 70 feet wide, so some lots would be smaller than the City standard of 70 feet.

Commissioner Godwin agreed with Commissioner Mertz that they needed to see the rear elevations of the row houses.

Commissioner Burnett stated that he liked the overall development plan.

Chairman Koranda stated that he was in favor of the rezoning application for the southernmost properties (Z-06-02), and he liked the residential use diversity of the northernmost properties (Z-06-04). He expressed his concerns regarding the appropriate location for commercial development in the northwest growth area.

Commissioner Kilgore agreed with Commissioner Mertz that the commercial portion of the plan should be more visible from 167<sup>th</sup> Street, rather than from Waverly Road. He added that commercial development would be appropriate for that general area.

Chairman Koranda suggested that the commercial zoning in Waverly Pointe and the school facilities along Waverly Road had already set a precedent for a variety of land uses in addition to single family residences along Waverly Road, so the proposed commercial development would not be entirely out of place in that predominantly residential growth area. He added that there were numerous instances of commercial developments adjacent to or across a street from single family residential developments in the metro area.

Director Sherman stated that the applicant and his engineers would utilize the comments of the commission to continue to refine and develop their plans, and come

back to the commission for further discussion, and eventually approval actions, on each of the rezoning requests.

Motion Mertz, second Kilgore, to table the public hearings and considerations of the Zoning Requests and Preliminary Development Plans for Granite Springs, located on the southeast and northeast corners of the Waverly Road and 167<sup>th</sup> Street intersection, Z-06-02 (PDP-06-01); Z-06-03 (PDP-06-02); and Z-06-04 (PDP-06-03), to the March 13, 2006, Planning Commission meeting.

Commissioner Godwin commented that the commissioners would need to consider larger, regional issues in addition to the specifics of the subject properties.

Commissioner Mertz amended her motion to table the items to the March 27, 2006, Planning Commission meeting. Motion to Table Carried: 6 to 0 Aye (Schultz Absent)

## **V. Adjourn**

Motion Popp, second Mertz, to adjourn the meeting at 9:55 p.m.

Motion to Adjourn Carried: 6 to 0 Aye (Schultz Absent)

Cindy Weeks, Planning Service Specialist  
Community Development Department



Attachment A

February 27, 2006

Memorandum

TO: City of Gardner Planning Commission

FROM: Ralph Leno, on behalf of Gardner National Bank

RE: staff's conditions for approval of GNB plat request

*We respectfully request this memo be read into the record of tonight's meeting.*

Gardner National Bank has always desired to be a responsible member of our community, for we take to heart the idea that only as one demonstrates good faith, can one reasonably expect to prosper and be taken seriously. This mindset is to us lived out on a daily business by how one treats one's customers, constituents, and the public in general.

Moreover, we sincerely appreciate the City's cooperation with us in our plan to dispose of what we consider to be 'excess' land out at our South branch location. With an intention of being helpful, we think the city's staff has given us useful information, and we are thankful for the serious approach they have taken to our endeavor.

However, we regret the imposition of two relatively costly conditions on this approval, because we feel that develop patterns being what they are, they are unnecessary and disproportionately burdensome.

- We fail to see why we have to give up an additional 10 feet of right of way from our property in order to make for an 80 foot arterial out of what is now a little driveway off Gardner Road. A great deal of imagination is needed to justify a scenario where 188<sup>th</sup> Street will be so busy it will have to be widened to this extent.
- Even if this were to become reality in a timeframe that would make such a concession necessary, we also feel it's unfair we should have to give up so much **without compensation at market value.**
- When the City needed easements to get ingress/egress to the 'temporary' sewer plant that sits down that driveway running on our property, and to the east of our branch, we gave it without protest or compensation. We think this illustrates the need for a reciprocal display of consideration and fair play
- The right in/out issues don't prevent us from taking advantage of future development and traffic changes that will come as a result of the growth of the local area.

**Gardner National Bank**

840 E. Main St. • P.O. Box 429 • Gardner, KS 66030 • 913-856-7199 • FAX: 913-856-6261

*Serving Gardner, Wellsville, and Lenexa*

member FDIC

- Nevertheless, we don't see how it could be necessary to make an agreement *now* that will force our customers to turn back to the east (and exit right) when there does not exist at present a set of circumstances that would give rise to this kind of diversion.

We felt the Planning Commission should be aware of our thoughts concerning the proposed conditions of approval of the pending plat.

Thanks again for your consideration.

Ralph Leno  
GNB



Attachment B

Armand and Beverly Burgdorfer  
30425 West 167th Street  
Gardner, Kansas 66030  
February 22, 2006

Gardner Community Development  
Gardner Planning Commission  
Gardner City Council  
120 East Main  
Gardner, Kansas 66030

RE: Re-Zoning of McCann Property  
North of 167th St. and East of  
Waverly Road

Gentlemen:

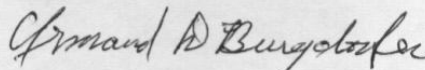
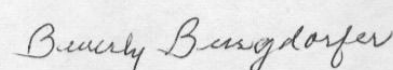
We may not attend the Planning Commission Meeting on February 27, 2006, but wish to **address and IMPORTANT fact** that concerns us and our property.

If the re-zoning of the McCann property is approved for Jabez Investments, L.L.C., we are concerned about **ground water drain-off toward our property which is just across the road on the south side of 167th Street.**

**THE DEVELOPER NEEDS TO BE CERTAIN THAT ALL GROUND WATER DRAINAGE IS CONTAINED AND DIRECTED SO THAT IT DOES NOT DAMAGE OUR PROPERTY IN ANY WAY -- ALSO, THAT ANY CHEMICAL LAWN TREATMENT OF FUTURE RESIDENTIAL AREAS IS CONTAINED AND DIRECTED SO THAT IT WILL NOT AFFECT OR CONTAMINATE OUR WATER WELL, WHICH IS IN OUR FRONT YARD AND FROM WHICH WE GET OUR WATER.**

Please be sure that this is **brought up and WILL BE REQUIRED.**

Thank you.

   
Armand Burgdorfer and Beverly Burgdorfer

cc: Gardner Planning Commission  
Gardner City Council  
Joel Riggs, Peridian Group, Inc.

